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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/784,793

02/24/2004

Ji-Sung Park

IK-0075

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11/06/2006

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EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,793

Applicant(s)

PARK ET AL.

Examiner

Mark A. Williams

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 22,25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of species I in the reply filed on 8/8/06 is acknowledged. The traversal is on the ground(s) that the figures do not illustrate mutually exclusive characteristics. This is found persuasive and the restriction requirement is withdrawn.

Claim Objections

1. Claim 1 is objected to because of the following informalities: it appears that "provided at first and second hinge sections" should be changed to --provided at the first and second hinge sections--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14, 15, and 17 are generally unclear and not fully understood. The phrase “respectively provided at one of the second hinge sections” is not fully understood, and there is no antecedent basis for “the second hinge sections”. It is not clear how the stopper can allow the hinge section to rotate, since a stopper is generally understood to be a means to limit movement of a member, not to allow motion of a member.

Claim 16 is generally unclear and not fully understood. The phrase “locking surfaces of the engagement section are sides of stopper engagement sections” is unclear in the context of the claim language.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15-17, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent JP 11-182528. A swivel hinge comprising a first hinge section (not shown but inherent to the intended design of the device, as conventional in the art) configured to rotate about a first hinge shaft 2; a second

hinge section (not shown but inherent to the intended design of the device, as conventional in the art) coupled to the first hinge section and configured to rotate about a second hinge shaft 1, wherein the second hinge shaft extends in a direction perpendicular to the first hinge shaft; and a stopper engagement section (7, 8) and stopper (4, 5) respectively provided at one of the hinge sections to rotate together with the second hinge shaft and the first hinge section, wherein the stopper allows the second hinge section to freely rotate after the first hinge section has rotated by a predetermined angle around the first hinge shaft. The stopper engagement section has an elongated plate shape with a length greater than a width and locking surfaces of the engagement section sides of stopper engagement section. The stopper has a guide surface for allowing the stopper engagement section to rotate, and the guide surface of the stopper has a height allowing lower portions of the locking surfaces of the stopper engagement section to pass beyond the guide surface when the first hinge section rotates by a predetermined angle.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury, US Patent 6,549,789, in view of Vandertouw, US Patent 6,408,484.

Kfoury provides a portable terminal with a swivel hinge device as generally claimed. Kfoury does not provide first and second magnets and the orientation of these magnets as claimed. It is known in the art of hinges to use magnets as a means of limiting the movement of a hinged member in a desired way. Vandertouw provides an example of first and second magnets for limiting the motion of a hinged member in a desired manner. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Kfoury such magnets oriented as claimed, for the purpose of limiting the motion of the hinged display in a desired manner relative to body of the device.

Regarding the first and second magnets being a plurality of magnets, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device in this way, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. More magnets would provide a stronger magnetic force, increasing the limiting force against rotation.

8. Claims 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury in view of Japanese Patent JP 11-182528 ('528). Kfoury provides a portable terminal with folder section and first and second hinge sections as claimed. Kfoury does not provide a stopper and stopper engagement section and being oriented as claimed. Japanese Patent '528 provides the claimed stopper and stopper engagement structure (see above 102 rejection). Note that the guide surface of the stopper has a horizontal surface 4 and inclined surface near 5, meeting the claimed limitations. It would have been obvious to have modified the device of Kfoury to includes such structure for the purpose of providing means for controlling the sequence of the rotation of the hinge members during use.

Allowable Subject Matter

9. Claim 14, 22, 25, and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to the claims of record have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

This action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GARY ESTREMSKY
PRIMARY EXAMINER

Mark Williams
10/29/06

